

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARK G. BRALLEY,

Plaintiff,

v.

No. 13-cv-0768 JB/SMV

**ALBUQUERQUE PUBLIC SCHOOLS BD. OF EDUC.,
ROBERT LUCERO, DAVID ROBBINS,
PAULA MAES, MARTIN ESQUIVEL,
KATHERINE KORTE, ALBUQUERQUE PUBLIC
SCHOOLS, WINSTON BROOKS, BRADLEY WINTER,
MONICA ARMENTA, RIGO CHAVEZ,
JOHN MILLER, STEVE TELLEZ, STEVE GALLEGOS,
and ALBUQUERQUE PUBLIC SCHOOLS POLICE DEP'T,**

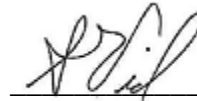
Defendants.

ORDER AWARDING EXPENSES

THIS MATTER is before the Court on Defendants' Motion to Compel Plaintiff's Responses to Defendants' First Set of Interrogatories and Requests for Production and for Sanctions [Doc. 104], filed on July 2, 2015. The Court granted the motion on July 28, 2015, and ordered Plaintiff to respond to Defendants' First Sets of Interrogatories and Requests for Production no later than August 21, 2015. [Doc. 111] at 2. The Court further found that Fed. R. Civ. P. 37(a)(5)(A) required an award of expenses and attorney fees. [Doc. 111] at 2. Accordingly, defense counsel submitted an affidavit of such expenses, which totaled \$582. [Doc. 115] at 2. Plaintiff was expressly allowed time to object to the amount or reasonableness of the expenses, and he has filed no objection. The Court finds that the expenses outlined in the affidavit [Doc. 115] are reasonable and that an award of \$582 is required.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that, pursuant to Fed. R. Civ. P. 37(a)(5)(A), Plaintiff shall pay to Defendants **\$582** no later than **November 6, 2015**. Plaintiff is admonished that failure to timely pay the expenses and/or failure to cooperate in discovery or otherwise fail to follow the rules of procedure or this Court's orders may result in further sanctions up to and including dismissal of the case with prejudice. *See Ehrenhaus v. Reynolds*, 965 F.2d 916, 921 (10th Cir. 1992).

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge